

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE APPLICATION OF
PENNLIVE, YORK DAILY
RECORD, AND YORK DISPATCH
TO UNSEAL COURT RECORDS**

Misc. Action No. 1:22-mc-00756
Hon. Susan E. Schwab

**OPPOSITION OF PENNLIVE, YORK DAILY RECORD, AND YORK
DISPATCH TO UNITED STATES' MOTION TO SEAL SUPPLEMENT**

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PennLive, York Daily Record, and York Dispatch (“Applicants”) respectfully submit this opposition to the motion of the United States (“the Government”) to seal its recent supplemental filing. *See* ECF Nos. 16–17.

As set forth in detail in Applicants’ opposition to the Government’s previous motion to seal its response, *see* ECF No. 11, the Government cannot justify sealing its filings in this matter in their entirety, *see Miller v. Indiana Hosp.*, 16 F.3d 549, 551 (3d Cir. 1994) (“A party who seeks to seal an *entire* record faces an even heavier burden.”). Applicants are again at a “severe disadvantage” in responding with specificity because the Government refuses to offer any indication of the interests that it believes justify secrecy, *In re Cap. Cities/ABC, Inc.’s Application for Access to Sealed Transcripts*, 913 F.2d 89, 95 (3d Cir. 1990), even though, as any number of courts have observed, “[a] motion to seal itself should not generally require sealing or redaction because litigants should be able to address the applicable standard without specific reference to confidential information,” *Tequan Doe v. City of New York*, No. 1:22-cv-7910, 2022 WL 15153410, at *4 (S.D.N.Y. Oct. 26, 2022) (internal citation omitted) (collecting cases). But it should be clear regardless that the secrecy the Government requests here is overbroad.

For the reasons given here and in Applicants’ prior opposition, Applicants respectfully urge the Court to deny the Government’s motion to seal its supplement and require that the document, or a redacted version, be filed on the public docket.

Dated: November 8, 2022

Respectfully submitted,

s/ Katie Townsend

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CERTIFICATE OF SERVICE

I, Katie Townsend, hereby certify that on the 8th day of November, 2022, a copy of the foregoing was filed electronically using this Court's CM/ECF system.

Dated: November 8, 2022

Respectfully submitted,

s/ Katie Townsend

Katie Townsend

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